

Message Text

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15

ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 INR-11 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 ACDA-19 NIC-01 SAJ-01 IO-14 CU-05 SCI-06 EB-12

FEA-02 DRC-01 /159 W

----- 001764

R 041646Z OCT 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 5474

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION BERLIN

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 15725

E.O. 11652: GDS

TAGS: PFOR, GW, WB, UR

SUBJECT: FRG PROBLEMS WITH SOVIETS ON BERLIN MATTERS

1. AT OCTOBER 3 MEETING WITH THE AMBASSADOR, FONOFF
POLITICAL DIRECTOR VAN WELL CONFIRMED PRESS REPORTS
THAT FRG-SOVIET NEGOTIATIONS ON A CULTURAL AGREEMENT
HAD BEEN TEMPORARILY BROKEN OFF AS A RESULT OF FAILURE
TO AGREE ON MANNER IN WHICH BERLIN IS TO BE INCLUDED.
VAN WELL COMMENTED THAT THE SOVIETS ARE CONTINUING TO
TAKE A VERY HARD--EVEN PETTY--LINE ON BERLIN MATTERS,
AND THAT THIS WAS CAUSING INCREASING EXASPERATION ON
THE PART OF FOREIGN MINISTER GENSCHER. VAN WELL
DOUBTED THAT EITHER THE CULTURAL AGREEMENT OR THE
SCIENTIFIC AND TECHNOLOGICAL AGREEMENT (THE BERLIN
DIFFICULTIES ARE ESSENTIALLY THE SAME IN BOTH CASES)
WOULD BE READY FOR SIGNATURE BY THE TIME OF CHANCELLOR
SCHMIDT'S VISIT TO MOSCOW. INTERESTINGLY, AND SOMEWHAT
SURPRISINGLY, VAN WELL SAID THAT AMBASSADOR FALIN WAS
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HIMSELF BEING PARTICULARLY TOUGH ON BERLIN MATTERS AT

PRESENT, AND HAD EVEN APPEARED ON OCCASION TO EXERT A RESTRAINING INFLUENCE ON THE RARE GENEROUS IMPULSES SHOWN BY SOVIET NEGOTIATORS FROM MOSCOW. ALL OF THIS WAS SOMEWHAT DISCOURAGING TO CHANCELLOR SCHMIDT, WHO WAS GENUINELY INTERESTED IN ECONOMIC COOPERATION WITH THE SOVIET UNION, PARTICULARLY IN THE FIELDS OF ENERGY AND RAW MATERIALS.

2. NEGOTIATION OF BOTH THE CULTURAL AND SCIENTIFIC/TECHNICAL AGREEMENTS IS SUBSTANTIALLY COMPLETE (IN THE LATTER CASE THIS HAS BEEN TRUE FOR OVER A YEAR) AND ONLY BERLIN PROBLEMS PREVENT THEIR CONCLUSION. THE DIFFICULTY ARISES BECAUSE BOTH AGREEMENTS PROVIDE FOR THE CONCLUSION OF SUBSIDIARY AGREEMENTS BETWEEN INSTITUTIONS OF VARIOUS KINDS IN THE FRG AND USSR, SOME OF WHICH HAVE PRIVATE CHARACTER. THE GERMANS WANT TO MAKE CLEAR IN THE FRAMEWORK OF THE BASIC AGREEMENTS THAT INSTITUTIONS OF THIS KIND IN WEST BERLIN WILL NOT BE DISCRIMINATED AGAINST. THERE HAS BEEN SOME PROGRESS BECAUSE THE SOVIETS, HAVING ORIGINALLY REFUSED ANY ARRANGEMENTS TO PROVIDE THIS KIND OF ASSURANCE, HAVE NOW COME SO FAR AS TO SAY THAT ANY INSTITUTIONS IN WEST BERLIN CAN BE INCLUDED EXCEPT THE SIX FEDERAL OFFICES LOCATED THERE. VAN WELL COMMENTED THAT THE FRG IS REALISTIC ENOUGH NOT TO EXPECT THAT COOPERATIVE AGREEMENTS COULD BE CONCLUDED BETWEEN A SOVIET ORGANIZATION AND, SAY, THE FEDERAL OFFICE FOR THE PROTECTION OF THE ENVIRONMENT. NEVERTHELESS, THE FRG COULD NOT PERMIT EMPLOYEES OF THE FEDERAL OFFICES TO BE DISCRIMINATED AGAINST IN THEIR PRIVATE CAPACITY--FOR EXAMPLE, IF ONE OF THEM WERE A MEMBER OF AN INSTITUTION INVOLVED IN A COOPERATIVE ARRANGEMENT WITH THE USSR AND WERE EXCLUDED FROM PARTICIPATION ON THE GROUNDS OF HIS EMPLOYMENT BY THE FEDERAL GOVERNMENT. VAN WELL SAID THE SOVIET NEGOTIATORS HAD ATTEMPTED TO GET AROUND THIS BY SAYING THAT SUCH PEOPLE COULD PARTICIPATE IF THEY HAD OTHER PROFESSIONAL QUALIFICATIONS THAN THE ONES THEY EXERCISED IN THE EMPLOY OF THE FRG, BUT THIS WAS INSUFFICIENT FOR THE GERMANS. IN ADDITION, VAN WELL SAID, THE SOVIETS WANTED TO INDICATE, IN PROJECT AGREEMENTS

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INVOLVING BERLIN INSTITUTIONS, THAT THE COOPERATION TOOK PLACE "AFTER AGREEMENT WITH THE SENAT". THE GERMANS REGARDED THIS AS AN UNACCEPTABLE ATTEMPT TO ASSERT A SEPARATE STATUS FOR BERLIN UNDER THE AGREEMENTS.

3. VAN WELL SAID THE SOVIETS WERE ALSO CONTINUING TO BE VERY TOUGH ON THE MATTER OF LEGAL ASSISTANCE. THE MINISTERS HAD REACHED AGREEMENT IN SUBSTANCE ON HOW IT

WOULD BE HANDLED: THERE WOULD BE DIRECT CONTACT BETWEEN SOVIET AUTHORITIES (AT WHATEVER LEVEL) AND THE APPROPRIATE AUTHORITIES IN THE FRG AND WEST BERLIN--COURTS, MINISTRIES OF JUSTICE OF THE STATES, THE SENATOR FOR JUSTICE, ETC. THIS SYSTEM WOULD ENTER INTO EFFECT FOR BOTH THE FRG AND WEST BERLIN ON THE SAME DATE. THE PROBLEM, VAN WELL SAID, WAS HOW TO GET IT DOWN ON PAPER. THE SOVIETS WERE INSISTING ON TWO SEPARATE

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MRN: 1974BONN 015725 SEGMENT NUMBER: 000002 ERROR READING TEXT INDEX FILE; TELEGRAM TEXT FOR THIS SEGMENT IS UNAVAILABLE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FOREIGN RELATIONS, NEGOTIATIONS, CENTRAL GOVERNMENT, INTERGOVERNMENTAL COOPERATION
Control Number: n/a
Copy: SINGLE
Draft Date: 04 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BONN15725
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: CORE1
Film Number: D740282-0713
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741073/aaaackph.tel
Line Count: 129
Locator: TEXT ON MICROFILM, ADS TEXT UNRETRIEVABLE
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags: ANOMALY
Review Date: 04 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 APR 2002 by boyleja>; APPROVED <24 JUL 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FRG PROBLEMS WITH SOVIETS ON BERLIN MATTERS
TAGS: PFOR, GE, WB, UR
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005